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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,061	12/09/2003	Christopher John Peltz	200314177-1	3736
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EXAMINER ANTONIENKO, DEBRA L.				
ART UNIT 3689		PAPER NUMBER		
NOTIFICATION DATE 09/17/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/731,061

Applicant(s)

PELTZ, CHRISTOPHER JOHN

Examiner

DEBRA ANTONIENKO

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26, 28, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 28, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Final Office Action in response to communication received 18 May 2009, wherein:

Claims 1-22, 27, and 30 have been cancelled previously;

Claim 29 has been cancelled currently;

Claims 23-26, 28, 31, and 32 have been amended; therefore,

Claims 23-26, 28, 31, and 32 are pending.

Response to Amendment

2. Amendments to claims 23-26, 28, and 31 are sufficient to overcome the 35 USC § 112, first paragraph, rejections set forth in Office Action dated 19 February 2009.
3. Amendments to claims 26 and 31 are sufficient to overcome the 35 USC § 112, second paragraph, rejections set forth in Office Action dated 19 February 2009.
4. Amendments to claims 23-26, 28, 31, and 32 are sufficient to overcome the 35 USC § 101 rejections set forth in Office Action dated 19 February 2009.

Response to Arguments

5. As to Applicant's argument that *Wolff fails to teach a Web services project plan including several increments corresponding to portions of an overall Web services project plan, where the Web services project plan includes a project evaluation and plan*

refinement after each increment (page 11 of Response dated 18 May 2009), these are addressed below with specific references since these are amended limitations.

6. As to Applicant's argument that *Wolff merely describes identifying feedback information and providing the information to various predecessor activities so that the predecessor activities may be performed again. Re-performing activities is not the same thing as refining a plan* (page 12 of Response dated 18 May 2009), Examiner notes that re-performing activities are not done for naught. Wolff discloses *iterative feedback in completion of tasks (such as modules or activities) during the product development cycle... As a result of the performing of the design activity in the first pass 31, information may be fed back to the predecessor activities 30. That is, the information learned in subsequent activities can be used to revise the result of earlier ones. For example, it may be learned in a later activity that a certain product feature is undesirable. This information may be fed back to the module where the priorities were set. The prioritization step may then be performed anew* (emphasis added) ([0079]-[0086]; Figure 3). Each pass allows for revision or refinement if deemed necessary.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 23-26, 28, 31, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff, U.S. Patent Application Publication Number 2004/0143477 A1 (hereinafter Wolff) in view of Lai, U.S. Patent Application Publication Number 2005/0044197 A1 (hereinafter Lai).

Regarding Claims 23, 24, 26, and 28: Systems and computer-readable medium with method, comprising: a metaplan data store that electronically stores sets of planning criteria; a first logic configured to access the metaplan data store to select one or more sets of planning criteria to produce a Web services project metaplan, the Web services project metaplan comprising the selected one or more sets of planning criteria; a second logic operably connected to the first logic, the second logic configured to produce a Web services project plan from the Web services project metaplan by providing values for the criteria in the selected one or more sets of planning criteria; the Web services project plan including a set of increments corresponding to portions of an overall Web services project plan, where the Web services project plan includes a project evaluation and plan refinement after each increment; and a project plan data store that electronically stores the Web services project plan... refining the Web services project plan based on feedback data acquired from testing one or more portions of a Web services project built according to an increment of the Web services project plan.

Wolff teaches a system and method, respectively, comprising storage of sets of planning criteria (Figure 7, element 71); accessing and selecting the sets of planning criteria (Figure 7 in its entirety, specifically elements 70 and 71: enter, navigate, retrieve); providing values for the criteria (Figure 7, elements 73a, 73b, and 73c; Figure 2 and [0064]); storage of the project plan (Figure 11a, element 1004).

Wolff teaches the initial set-up of *primary modules*. These modules contain *meta-knowledge (i.e., knowledge about the particular products' design, development, or management) to be employed, helping to guide the focus of the various product management processes ([0031]-[0033])*. Wolff teaches the use of *success criteria* in the modules (Figure 7). Wolff teaches the use of templates that *may be selected from a set of default templates* and that *confidence factors may be specified for the tasks of the project ([0009]-[0018])*. Examiner asserts that although Wolff does not use the term "*metaplan*," Wolff does indeed teach establishing criteria in the modules and then using the modules to produce the plan (Figure 4). Examiner asserts that giving a new name to something old and well known does not effectively serve to patentably distinguish the claimed invention over the prior art.

As to a set of increments corresponding to portions of an overall project plan, a project evaluation, and plan refinement after each increment, Wolff teaches that *[e]ach template corresponds to one or more tasks of the project to be performed ("task" refers to any module, activity or sub-activity, or group of these, which may be performed in*

executing a project) ([0009]). Wolff further teaches that *[t]he terms "activity" and "sub-activity" are used interchangeably in this specification; both refer to an activity performed in the product manage project and each may be represented and/or implemented using a template... Modules may have "activities" which then have "sub-activities," although all can also be referred to generically as "sub-activities"* ([0039]). Wolff discloses that *success factors are identified for each of a plurality of tasks for the project. The success factors are evaluated as a component of completion of the task and may be calculated automatically* ([0016]). Wolff further discloses that *a separate software tool may be incorporated into a system to evaluate success criteria; other mechanisms may also be implemented to permit (or require) iterative rounds of success criteria evaluation* (emphasis added) ([0044]). Wolff teaches *iterative feedback in completion of tasks (such as modules or activities) during the product development cycle... As a result of the performing of the design activity in the first pass 31, information may be fed back to the predecessor activities 30. That is, the information learned in subsequent activities can be used to revise the result of earlier ones. For example, it may be learned in a later activity that a certain product feature is undesirable. This information may be fed back to the module where the priorities were set. The prioritization step may then be performed anew* (emphasis added) ([0079]-[0086]; Figure 3). Each pass allows for revision or refinement if deemed necessary.

Wolff further teaches means for refining the project plan based on feedback data acquired from testing one or more portions of a project built according to the project plan ([0069]; [0079]).

Furthermore, Wolff does not specifically disclose the invention for a Web services project. However, Wolff teaches the method and system for managing a project to include *a good to be sold commercially, an information technology project to be implemented, or another type of project* (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a Web services project along with other types of information technology projects because the planning principles would be the same.

Regarding Claim 25, Wolff teaches interacting with a user to obtain one or more values for one or more members of the one or more sets of criteria ([0064]).

Regarding Claim 31, Wolff teaches where the selecting one or more sets of criteria comprises: selecting a first set of criteria for calculating a Web services project return on investment ([0185]); selecting a second set of criteria for identifying an existing reusable software component; selecting a third set of criteria for identifying how to expose an existing software asset via a Web service; selecting a fourth set of criteria for determining whether to include a Web service in a Web services project; selecting a fifth set of criteria for determining whether to employ a Web services supporting technology;

selecting a sixth set of criteria for identifying a Web services development team; selecting a seventh set of criteria for identifying one or more of, a project collaboration partner, and how to collaborate with a project collaboration partner; or selecting organizing one or more members of the first through seventh sets of criteria to produce the Web services project metaplan.

9. **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Lai, U.S. Patent Application Publication Number 2005/0044197 A1 (hereinafter Lai).

Regarding Claim 32, Wolff does not explicitly teach implementing an increment of the Web service project plan the Web services project including one or more Web service components; programming a Web service component of the Web services project based on the strategy; testing the Web service component; calculating the effect of the Web service component on a return on investment for the Web services project; and selectively updating the Web services project plan based on the effect of the Web service component on the return on investment.

However, Lai discloses developing a strategy for developing the Web services project that includes one or more Web service components; programming a Web service component of the Web services project based on the strategy; testing the Web service component ([0419]; Figure 19); calculating the effect of the Web service component on a return on investment for the Web services project ([0256]). Lai does not explicitly

disclose selectively updating the strategy based on the effect of the Web service component on the return on investment. However, Lai discloses *an option is to use an iterative development process with appropriate user involvement for feedback... Web Services solution release preferably delivers quantifiable business value... Web Services infrastructure and integration implementation... preferably does not exceed the business value delivered (such as the sum of cost... ([0454]-[0457])*. It is old and well known to quantify the business value of projects and to change or update decisions in the interest of the bottom line. In other words, how many times ROI is calculated or at what points ROI is calculated or if a strategy is changed because of the ROI is a matter of common business sense. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wolff with that of Lai to develop a strategy, program and test it, and to calculate the profitability as well.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689